



DEC 21 1998

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF #3  
PATENTS AND TRADEMARKS

Washington, D.C. 20231

D2

MAILED

DEC 21 1998

Director's Office  
Group 3700

David R. Gildea  
435 Hermosa Way  
Menlo Park, CA 94025

In re Application of :  
William Elkins : DECISION ON  
Serial No. 09/127,256 : PETITION TO  
Filed: July 31, 1998 : MAKE SPECIAL  
For: Compliant Heat Exchange Panel :

Receipt is acknowledged of a Petition to Make Special under 37 CFR 1.102(e), filed along with the application on July 31, 1998.

BACKGROUND

No Office action has been mailed in this application.

DISCUSSION

MPEP Section 708.02, paragraph IV, indicates that an application may be made special, i.e., given accelerated examination, upon a petition by applicant accompanied by evidence showing that the applicant is 65 years of age or older. The evidence which must accompany the statement that applicant is 65 years of age or older typically includes a birth certificate or a verified statement, i.e., a statement made under oath, or in the form of a declaration under 28 U.S.C. 1746.

However, 37 CFR 1.102(a) was amended, effective December 1, 1997, to remove the explicit verification requirement, because all applicants who file papers in the Office certify that all statements made therein are true, pursuant to 37 CFR 10.18.

Thus, a statement signed by petitioner which states that petitioner is over 65 years of age will be accepted as true, and to show sufficient cause to grant the petition.

The petition includes a verified statement by petitioner that he is 69 years old.

DECISION

The petition is granted. This application is accorded "special" status, i.e., accelerated examination.

  
Donald G. Kelly  
Director  
Groups 3740 and 3750  
Phone: (703) 308-0975  
Fax: (703) 308-7763